



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

LHE:GK/JRS/DL
F. #2018R01401

*271 Cadman Plaza East
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June 28, 2023

By Hand Delivery and ECF

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Re: United States v. Nicole Daedone
Criminal Docket No. 23-146 (DG)

Dear Counsel:

Enclosed please find the government's discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure. These materials are being produced to you pursuant to the Protective Order in the above-captioned matter, entered on June 26, 2023. ECF Dkt. No. 26. The materials are contained on a hard drive being mailed to your office. A password to the hard drive will be separately provided by email. The government also requests reciprocal discovery from the defendant.

I. The Government's Discovery

A. Statements of the Defendant

- "The Pleasure Principle," published in New York Times on March 15, 2009 (ND00000001-ND00000005);

- “Find the Most Sensitive Part of the Body,” published in Cosmopolitan in May 2013 (ND00000006-ND00000006);
- Email correspondence between Nicole Daedone and a former OneTaste member, dated April 7, 2014 (ND00000007-ND00000009);
- Email correspondence between Nicole Daedone and a former OneTaste member, dated April 29, 2014 (ND00000010-ND00000011);
- Text message correspondence between Nicole Daedone and a former OneTaste member (ND00000012-ND00000020);
- A resignation letter, dated March 2, 2017 (ND00000021-ND00000021);
- Witness statement and Confidential Exhibit ND1 for lawsuit against BBC (ND00000022-ND00000026);
- Clitoral stroking demonstration videos (ND00000027-ND00000029);
- Transcripts of speeches and discussions (ND00000030-ND000000303);
- Videos of lectures and discussions with corresponding transcripts (ND000000304);
- Video of OneTaste Mastery Program 2013 in New York City (ND00074022);

B. Documents and Tangible Objects

- Bloomberg Businessweek article, “The Dark Side of the Orgasmic Meditation Company,” published June 18, 2018 (ND00000305-ND00000327);
- Advertisements for “Institute of OM” (ND00000328-ND00000329);
- Bloomberg article, “OneTaste Stops ‘Orgasmic Meditation’ Classes, U.S. Locations Set to Close,” published October 19, 2018 (ND00000330-ND00000332);
- Bloomberg article, “FBI Is Probing OneTaste, a Sexuality Wellness Company,” published November 13, 2018 (ND00000333-ND00000335);
- Bank of America records (ND00000336-ND00000340);
- OneTaste brochure, autumn 2007 (ND00000341-ND00000376);
- OneTasted ConnectEd newsletter, May/June 2007 (ND00000377-ND00000400);

- A OneTaste OMC welcome email, dated August 6, 2013 (ND00000401-ND00000402);
- A resident roster, dated August 4, 2016 (ND00000403-ND00000406);
- A “Wizard of Om Scenes” outline (ND00000407-ND00000418);
- An OM Hub post and comment thread (ND00000419-ND00000461);
- An itinerary (ND00000462-ND00000471);
- The Central Office email dashboard (ND00000472-ND00000474);
- Records related to address in Philo, CA (ND00000475-ND00000484 and ND00074023-ND00074039);
- A video of a proposal (ND00000485);
- OneTaste.us “makeout” video (ND00000486);
- Wedding vows (ND00000487-ND00000487);
- A judgment of dissolution of marriage (ND00000488-ND00000489);
- A screenshots of Instagram posts (ND00000490-ND00000497);
- A promotional video for “Turn On” (ND00000498);
- A video recorded by a OneTaste member (ND00000499);
- Photos of OneTaste members (ND00000500-ND00000504);
- A New York Police Department (“NYPD”) Aided Report (ND00000505-ND00000506);
- Surveillance photos taken on or about November 1, 2022 in New York City (ND00000507-ND00000525);
- Records from GUSTO regarding employee earnings (ND00000526-ND00000576);
- Records from Facebook (ND00000577-ND00000625);
- Records from Google (ND00000626);

- Records from JPMorgan Chase for accounts associated with OneTaste NYC LLC and Texas Limbic Network LLC (ND00000627-ND00002119);¹
- Records from The Bancorp for accounts associated with One Taste Inc. (ND00002121-ND00002122);
- Records from Fidelity Brokerage Service (ND00002123-ND00004831);
- Records from Wells Fargo (ND00004832-ND00005116);
- Records from TD Bank for accounts associated with OneTaste NYC Inc. (ND00005117-ND00005223);
- Records from First American Title Insurance Company for address in Philo, CA (ND00005224-ND00008386);
- Records from TransUnion for Nicole Daedone and Rachel Cherwitz (ND00008387-ND00008460);
- Records from Google (ND00008461);
- Records from Coinbase (ND00008462- ND00008463);
- Records from Intuit for OneTaste Incorporated (ND00008464- ND00008468);
- Records from Stripe for OneTaste Incorporated (ND00008469);
- Records from ADP for OneTaste Incorporated (ND00008470-ND00008470);
- Records from Wells Fargo (ND00008471- ND00008902);²
- Records from JPMorgan Chase (ND00008903-ND00009106);
- Records from SEI Investments (ND00009107- ND00012739);
- Records from Cross Financial (ND00012740-ND00012740);
- Records from David Krakower and Associates (ND00012741- ND00012810);
- Records from Harper and Whitfield PC (ND00012811- ND00014647);

¹ ND00002120 is intentionally omitted.

² ND00008556-ND00008567 is intentionally omitted.

- Records from Shellpoint Mortgage for address in San Diego, CA 92103 (ND00014648-ND00014873);
- Records from Fidelity Investments (ND00014874- ND00018809);
- Records from Granite Escrow and Settlement Services for address in Topanga, CA 90290 (ND00018810- ND00018993);
- Records from Old Republic Title Company for address in Mill Valley, CA 94941 (ND00018994-ND00019348);
- Records from Redwood Empire Title for address in Philo, CA (ND00019349-ND00019349);
- Records from the California Secretary of State for OneTaste and related entities (ND00019350- ND00019452);
- Records from the Colorado Secretary of State for OneTaste and related entities (ND00019453-ND00019497);
- Records from the Connecticut Secretary of State for OneTaste and related entities (ND00019498-ND00019498);
- Records from the New York Secretary of State for OneTaste and related entities (ND00019499- ND00019512);
- Records from the Pennsylvania Secretary of State for OneTaste and related entities (ND00019513-ND00019515);
- Records from the Texas Secretary of State for OneTaste and related entities (ND00019516- ND00019554);
- Records from PayPal (ND00019555);
- Records from Google for accounts belonging to Nicole Daedone (ND00019556);
- Civil settlement documents (ND00019557-ND00019584);
- Text message correspondence exchanged among former OneTaste members and employees (ND00019585-ND00022274 and ND00024965-ND00031876);³

³ ND00022275-ND00024964 is intentionally omitted.

- Articles posted on Medium (ND00031877- ND00032009);
- Documents and records regarding Taboo, Magic School, The Mastery Course, and Nicole Daedone Intensives (ND00032010- ND00039047);
- Documents and records regarding OneTaste’s organizational hierarchy (ND00039048-ND00039089);
- Documents and records regarding OneTaste’s financial history and tax filings (ND00039090-ND00040909);
- Leases for OneTaste locations (ND00040910-ND00041044);
- Documents and records related to OneTaste’s ownership, investors, and legal representation (ND00041045- ND00041122);
- Employment records for OneTaste’s leadership and employees (ND00041123- ND00042341);
- Documents and records related to OneTaste’s share purchase agreements (ND00042342- ND00042621);
- Documents and records regarding payments made to Nicole Daedone (ND00042622-ND00042625);
- Slack message correspondence between OneTaste members (ND00042626-ND00044781);
- Documents and records regarding OneTaste (ND00044782- ND00046599);
- OneTaste voicemails (ND00046600-ND00053511);
- Documents and records related to OneTaste courses and attendees (ND00053512-ND00053702);
- Documents and records related to OneTaste’s March 2017 sale (ND00053703- ND00054018);
- Documents and records related to Nicole Daedone’s departure from OneTaste (ND00054019-ND00054028);
- Documents and records related to OneTaste’s “immersions” (ND00054029-ND00054677 and ND00074043-ND00074044);
- Documents and records related to OneTaste’s BBC lawsuit (ND00054678-ND00055580);

- Text message correspondence exchanged among former OneTaste members and employees (ND00055581- ND00057834);
- Recordings of interviews of former OneTaste members and employees (ND00057835- ND00057841);
- Documents and records related to OneTaste’s cancellation and refund policies (ND00057842- ND00057904);
- Documents and records regarding OneTaste’s communal living spaces (ND00057905- ND00057929);
- Timesheets and wage reports for former OneTaste employees (ND00057930- ND00058012);
- Flyers and brochures for OneTaste courses (ND00058013-ND00058093);
- Documents and records related to outside experts hired by OneTaste (ND00058094- ND00058784)
- Documents and records related to OneTaste’s “reconciliation program” (ND00058785- ND00058839);
- Documents and records related to “Fear Inventories” (ND00058840 - ND00058931);
- Documents and records containing written agreements with OneTaste employees, contractors, and volunteers regarding responsibilities and compensation (ND00058932-ND00059524);
- Documents and records containing written agreements with OneTaste employees, contractors, and volunteers regarding responsibilities and compensation (ND00059524-ND00072456);
- Documents and records related to management of OneTaste (ND00072457- ND00073733 and ND00074040-ND0007042)
- Podcasts posted to SoundCloud account (ND00073900- ND00073904); and
- Documents and records related to OneTaste insurance (ND00073905- ND00074021).

You may examine the physical evidence discoverable under Rule 16, including original documents, by calling me to arrange a mutually convenient time.

C. Reports of Examinations and Tests

The government will provide you with copies of any additional reports of examinations or tests in this case as they become available.

D. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert's opinion.

E. Brady Material

The government is not aware of any exculpatory material regarding the defendant. The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

F. Other Crimes, Wrongs or Acts

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

II. The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

IV. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact me.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office cannot and does not constitute a "formal offer" or a "plea offer," as those terms are used in Lafler v. Cooper, 132 S. Ct. 1376 (2012), and Missouri v. Frye, 132 S. Ct. 1399 (2012).

Very truly yours,

BREON PEACE
United States Attorney

By: /s/ Lauren H. Elbert
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Enclosures

cc: Clerk of the Court (DG) (by ECF) (without enclosures)